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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,909	03/29/2001	Masasuke Kawasaki	DSGN:002USMTG	7531

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EXAMINER	
SINGH, SUNIL	
ART UNIT	**PAPER NUMBER**
3673	

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/823,909	KAWASAKI, MASASUKE	
	Examiner	Art Unit	
	Sunil Singh	3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,9,10,12,13,15-20,22,23,40-51,54,55,61,66-68,70,71 and 84-86* is/are pending in the application.

4a) Of the above claim(s) *10 and 67-69* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,9,,12,13,15-20,22,23,40-51,54,55,61,66,70,71 and 84-86* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 9, 61, 85-86 are rejected under 35 U.S.C. 102(b) as being anticipated by British document (GB 2175257).

British document a system useful in stabilizing a vessel, the vessel including a first leg (2), a second leg, a third leg (see page 1 line 15+), and a platform (1) coupled to the first, second, and third legs such that the platform may be raised or lowered along the first, second and third legs, the system comprising: a first brace (8,9,20,25) coupled to the first leg at a first location along the first brace, the first brace forming an acute angle with the first leg; and an anchoring structure (10,11,12,21,22, 24,26,27, the end portions of member (1)) coupled to the first brace at a second location along the first brace, the first and second locations along the first brace defining a first brace length between them; wherein at least a portion of the first brace length is located directly beneath the platform. The legs have racks (see Fig. 1) and the holding rack (5) configured to engage one of the one or more racks (see US Patent 4270877 for such notoriously old and conventional rack and rack holding means).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> **(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.**

4. Claim 66 is rejected under 35 U.S.C. 103(a) as being unpatentable over British document '257.

British document '257 discloses the invention substantially as claimed. However, British document is silent about lifting a leg that horizontally shifts. It would have been considered obvious to one of ordinary skill in the art to modify British document by lifting a leg that horizontally shifts since the tensioning means disclosed by British document affords this. The reason for doing this would be to ensure that he platform and move up and down.

5. Claim 84 is rejected under 35 U.S.C. 103(a) as being unpatentable over British document '257 in view of Ward, Jr. (US 3093972)

British document '257 discloses the invention substantially as claimed. However, British document is silent about the brace being coupled at two different locations on the footing structure. Ward, Jr. teaches a brace being coupled at two different locations on a footing structure (see Figs. 5,8). It would have been considered obvious to one of ordinary skill in the art to modify British document by coupling the brace at two different locations on the footing structure in order to increase structural rigidity.

6. Claims 1-2, 4, 12,13,15-16, 17-20, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over British document '257 in view of either Vincken et al. or Petty et al. or Petty et al. or Roach (US 3681928, 4936710, 4293239, 4378178) and Thomas (US 5224798)

British document '257 discloses a system useful in stabilizing a vessel, the vessel including a first leg (2), a second leg, a third leg (see page 1 line 15+), and a platform (1) coupled to the first, second, and third legs such that the platform may be raised or lowered along the first, second and third legs, the system comprising: a first brace (8,9,20,25) coupled to the first leg at a first location along the first brace, the first brace forming an acute angle with the first leg; and an anchoring structure (10,11,12,21,22, 24,26,27, the end portions of member (1)) coupled to the first brace at a second location along the first brace, the first and second locations along the first brace defining a first brace length between them; wherein at least a portion of the first brace length is located directly beneath the platform. British document teaches synchronizing movement of the platform with tensioning of the brace (see abstract). British document '257 discloses the invention substantially as claimed. However, British document '257 is silent about the means for tensioning the brace includes a winch driven by a winch motor and the means for moving the platform up and down includes a motor and pinion. Vincken et al., Petty et. al, Petty et al. and Roach all teach means for tensioning a brace which includes a winch driven by a winch motor ((15), see col. 2 line 62; (28), Fig. 1; (13); see col. 5 line 20+,respectively). Thomas teaches means for moving the platform up and down includes a motor and pinion (see Fig. 2). It would have been considered obvious

to one of ordinary skill in the art to modify British document '257 by substituting the tensioning means as taught by either Vincken et al. or Petty et al. '710, '239 or Roach for the tensioning means disclosed by British document '257 (see British document page 2 line 40 and members 22,24) since it would be an obvious design choice. It should be noted that it is well established in the art to tension a member one can use a winch that is motor actuated.

With regards to claim 4, it would have been considered obvious to one of ordinary skill in the art to modify British document '257 by making his footings have protrusions as taught by Thomas in order to more efficiently anchor they system.

With regards to claims 15-16, 22-23, British document '257 discloses the invention substantially as claimed. However, British document '257 is silent about including a third brace attached to the first leg and/or the third leg. It would have been considered obvious to one of ordinary skill in the art to modify British document '257 by including a third brace attached to the first leg and/or third leg since it has been held that the mere duplication of essential working parts of a device involves only routine skill in the art. St. Regis Paper Co. v. Bemis Co., 193 USPQ 8.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over British document '257 in view of either Vincken et al. or Petty et al. '239, '710 or Roach and Thomas as applied to claim 1 above, and further in view of McGehee '815.

British document '257 (once modified) discloses the invention substantially as claimed. However, the (once modified) British document '257 lacks a leg with a pivotal

lower end. McGehee teaches a leg with a pivotal lower end (see Fig. 6). It would have been considered obvious to one of ordinary skill in the art to further modify the (once modified) British document '257 by making his lower end of his legs pivotable as taught by McGehee in order to be able to place the system on an unlevel seabed.

8. Claims 40, 41, 43-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over British document in view Wolff et al. (US 5390618).

British document discloses the invention substantially as claimed. However, British document '257 is silent about the means for tensioning to achieve 40,000 pounds of tension. Wolf et al. teaches means for tensioning the brace tensioning the brace to achieve 40,000 pounds of tension (see col. 10, winch (204)). It would have been considered obvious to one of ordinary skill in the art to modify British document '257 by substituting the tensioning means as taught by Wolfe et al. for the tensioning means disclosed by British document '257 (see British document page 2 line 40 and members 22,24) since it would be an obvious design choice. It should be noted that depending on what amount of load one is interested in resisting, then the tensioning means would be chosen accordingly.

With regards to claim 51, it would have been considered obvious to one of ordinary skill in the art to modify the British document by substituting truss type legs for the legs disclosed by British document since this is a mere design choice. It should be noted that it is well established in the art that truss type platform legs are notoriously old and conventional.

9. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over British document in view of Wolff et al. as applied to claim 40 above, and further in view of either Thomas '798 or Hansen (US 4063426) or Hornsby et al. (US 2892314). British document (once modified) discloses the invention substantially as claimed. However, the (once modified) British document lacks protrusions on his footings. Thomas, Hansen and Hornsby et al. all teach protrusions of footings (see Figs. 1, 8, 4 respectively). It would have been considered obvious to one of ordinary skill in the art to further modify the (once modified) British document '257 by making his footings have protrusions as taught by either Thomas or Hansen or Hornsby et al. in order to more efficiently anchor they system.

10. Claims 54,55 70, 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over British document '257 in view of either Vincken et al. or Petty et al. or Petty et al. or Roach (US 3681928, 4936710, 4293239, 4378178) or Wolff et al. (US 5390618) and Legleux (US 6461081)

British document teaches synchronizing movement of the platform with tensioning of the brace (see abstract). British document discloses the invention substantially as claimed. However, it lacks tension means that include a winch/winch motor and rack and pinion drive means. Vincken et al., Petty et. al, '239 Petty et al. '710, Roach and Wolff et al. all teach means for tensioning a brace which includes a winch driven by a winch motor ((15), see col. 2 line 62; (28), Fig. 1; (13); see col. 5 line 20+; col. 10 , (204), respectively). Legleux teaches rack and pinion drive means (see

col. 1 line 25+). It would have been considered obvious to one of ordinary skill in the to modify British document by substituting the tensioning means as taught by either Vincken et al. or Petty et al. '710, '239 or Roach or Wolff et al. for the tensioning means disclosed by British document '257 (see British document page 2 line 40 and members 22,24) since it would be an obvious design choice. It would also be obvious to substitute the drive means as taught by Legleux for the drive means disclosed by British document since it would be an obvious design choice.

Response to Arguments

11. Applicant's arguments filed 8/3/05 have been fully considered but they are not persuasive. Applicant argues that British document does not teach a ring coupled to the brace and the platform. The examiner disagrees. The brace (8,9,20,25) is coupled to ring (5) and ring (5) is coupled to the platform in as much applicant's figure 26 shows this feature.

Arguments with regards to claims 1-2, 4, 12,13,15-16, 17-20, 22-23, 66 and 84 are moot in view of new grounds of rejection.

With regards to claims 85-86, each brace can be tensioned independently since brace (8,9) and (20,25) each have their own respective hydraulic jacks

the first leg at a first location along the first brace, the first brace forming an acute angle with the first leg; and an anchoring structure (10,11,12,21,22, 24,26,27, the end portions of member (1)) coupled to the first brace at a second location along the first brace, the first and second locations along the first brace defining a first brace length between them; wherein at least a portion of the first brace length is located.

With regards to claims 40,41,43-51, applicant argues that it is not obvious to modify British document in light of Wolff et al. in order for the anchoring structure to be able to withstand 40,000 pounds tension in the brace. The examiner maintains that depending on certain parameters (such as force of waves and the like), one skilled in the art would provide the structure to be able to withstand 40,000 pounds of tension in the brace.

With regards to claims 54,55,70,71, applicant argues that there is no motivation to combine the references as discussed above. The examiner disagrees. It is well within the skill of one of ordinary skill in the art to substitute equivalent parts for performing equivalent functions.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (571) 272-7051. The examiner can normally be reached on Monday through Friday 10:30 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Engle Patricia can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sunil Singh
Primary Examiner
Art Unit 3673

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3/16/06